

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2001-000384

04/02/2004

HONORABLE ROBERT L. GOTTSFIELD

CLERK OF THE COURT
M. Johnson
Deputy

FILED: 04/07/2004

JASON R CONKLIN, et al.

STEVEN M FRIEDMAN

v.

RED MOUNTAIN PRIVATE SENIOR HOME
INC, et al.

ROBERT GRASSO

JEAN M SULLIVAN
LONNIE J WILLIAMS JR.

MINUTE ENTRY

3:30 p.m. This is the time of hearing Banner Health's motion to dismiss plaintiffs' abuse and neglect claim and wrongful death claim (joined by Life Care, Red Mountain and Zerilli). Also time of pretrial conference. Also time to set a hearing on Life Care's motion for partial summary judgment on punitive damages. Plaintiff also moves to amend the complaint to show the plaintiff as "Jason Conklin as personal representative of the Estate of Donald E. Conklin, deceased". Counsel Serena Montague and Steven M. Friedman are present on behalf of plaintiff. Counsel Robert Grasso is present on behalf of defendant Red Mountain. Counsel Robert Fineberg is present on behalf of defendant Life Care Center. Counsel Jean Sullivan is present on behalf of defendant Banner HealthCare. All are present telephonically.

Court Reporter Marge Harcarik is present.

After discussion,

IT IS ORDERED as follows:

1. Defendant Life Care's motion for summary judgment may be withdrawn and the parties will advise the court in the future if there needs to be argument on it.
2. Setting hearing on defendant Life Care's motion for partial summary judgment re punitive damages and defendant Banner Health's motion to dismiss plaintiffs' abusive and neglect claim and wrongful death claim to **May 10, 2004 at 8:30 a.m.**

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(15 min.). Plaintiffs' shall file a supplemental response within two weeks of this date and Banner Health may file a supplemental reply within two weeks of receipt of the supplemental response. The issue is whether A.R.S. §14-3108 is a legal bar to appointment of a personal representative 5 years after a death.

3:48 p.m. Matter concludes.